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July 7, 1961

Dear Mr. Vice President:

Immediately upon our return to Washington I looked into a number of the questions concerning the Department's communications capabilities and limitations provoked by our experience at some of the more remote capitals we visited.

Some corrective measures already have been instituted such as a modest supplementing of the telegraph staff, transfer of certain peripheral functions to permit the telegraph branch to concentrate solely upon the processing of urgent electrical communications and the initiation of negotiations with Defense to make more readily available to the Department of State the facilities of the military overseas telephone networks.

I am informed, however, that the greatest single inhibiting factor in consideration of a dependable, comprehensive U. S. Diplomatic Communications Service lies in the restrictive provisions of the Communications Act of 1934 as amended. Section 301 of the Act requires the holding of a license issued by the Federal Communications Commission to "use or operate any apparatus for the transmission of energy or communications or signals by radio....." in the United States. Section 310 of the Act specifies that such station licenses shall not be granted to: (1) any alien or the representative of any alien; (2) any foreign government or the representative thereof, etc.

Faced with such restrictive provision in our own law, which prevents Foreign Missions in Washington from operating transmitters, we have generally on the basis of reciprocity, been similarly restricted when we sought permission of the host governments to operate from our missions abroad.

For over ten years the Department has sought through all known appropriate channels either a reinterpretation of the Communications Act, under which diplomatic mission would be considered exempt from the licensing requirement or an amendment to the Act granting authority to the President, through the Secretary of State, to negotiate selected bilateral agreements for the operation of diplomatic stations under agreed and appropriate controls. The text of the proposed modification is included as an attachment hereto.

The Honorable  
Lyndon B. Johnson,  
Vice President of the  
United States.

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State Department review completed

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The last direct action in this regard consisted of a meeting at the White House on February 6, 1958, at the conclusion of which it was generally agreed among the interested agencies attending that the matter should be presented to the Congress for consideration. FBI alone indicated unwillingness to support the proposal. Under these circumstances it was concluded by this group that a presentation to the Congress should be deferred to a more appropriate time. No agreement was ever reached on such appropriate timing and the matter has been held in abeyance since.

I would greatly appreciate any thoughts you may have regarding the propriety of such a submission at this time. Favorable action in securing the desired amendment would permit a practical solution of the Department's more serious communications problems.

We are examining other possibilities of improvement such as the installation of special facilities and procedures for the accommodation of urgent messages to and from the newly established "Operations Center", expanded secure radio facilities in certain areas on an interim basis, direct secure telephone circuits to selected posts, and improvement of our overall cryptographic processes. I will inform you from time to time of our progress in these areas.

As a further move to assure that we are getting the benefit of the good technical know-how, the National Security Agency has agreed to an extended detail of a senior communication's officer. He will be freed of day-to-day operating demands to permit him to concentrate on an objective study of our needs and capabilities with a broad perspective.

I want to assure you again of my appreciation for your interest in our communications problems and your offer of assistance in bringing about satisfactory solutions.

Sincerely yours,

William J. Crockett

Enclosure:

Proposed Amendment  
to Section 305.

OPR:EC:RCKreer:WOTrone:deb  
6/22/61

OPR - Mr. Ford

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PROPOSED AMENDMENT TO SECTION 305

Amend Section 305 by adding a new section "d" to read as follows:

"(d) The provisions of Sections 301 and 303 of this Act notwithstanding, the President may authorize a foreign Government, under such terms and conditions as he may prescribe, to construct and operate at the Seat of Government of the United States a low-power radio station in the fixed service at the site of the Embassy or Legation of such foreign Government for transmission of its messages to points outside the United States, where he determines that the authorization would be consistent with the national interest of the United States and where such foreign Government has provided substantial reciprocal privileges to the United States to construct and operate radio stations within territories subject to its jurisdiction. Foreign Government stations authorized pursuant to the provisions of this subsection shall conform to such rules and regulations designed to prevent interference with other radio stations and the rights of others as the Commission may prescribe. The authorization of such stations, and the renewal, modification, suspension, revocation or other termination of such authority shall be in accordance with such procedures as may be established by the President and shall not be subject to the other provisions of this Act or of the Administrative Procedure Act."